




PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: December 7, 2016

TO: Planning Commission

FROM: Nicole Ewing Gavin, Executive Secretary 

SUBJECT: C8-16-06 Unified Development Code Text Amendment No. 5: Corrections, Edits, & Clarifications – Public Hearing

Issue: This is a public hearing to allow the Planning Commission to deliberate on one remaining item, related to Clarify Extension of Time Procedure for Rezoning, of the proposed amendment to the Unified Development Code (UDC) text to allow for corrections, edits, & clarifications. Since the October 9, 2012 adoption of the UDC, staff has continued to review the documents and has found that there are corrections and clarifications needed. The proposed amendments are corrections of scrivener's errors, corrections to section references and permitted use designations, to reflect changes adopted as part of the UDC when it was originally adopted.

This proposed text amendments will not result in a significant change to how the requirements are implemented or enforced. The proposed UDC Correction text amendment is provided in Attachments A.

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed remaining amendment, related to Clarify Extension of Time Procedure for Rezoning, to the Unified Development Code (UDC), regarding corrections, edits, & clarifications, to Mayor and Council.

Background: Given the scale of the LUC Simplification Project, City staff anticipated having to process "clean up" amendments. During the adoption of the UDC the Mayor and Council was informed that corrections would come forth periodically.

At the September 21, 2016 Planning Commission Meeting, the Planning Commission voted to send item #1 of the UDC Text Amendment No. 5, Clarify Extension of Time Procedure for Rezoning, to Mayor and Council with no recommendation. That item failed, with a 3-4 vote, and was not sent to Mayor and Council. All other items from the UDC Text Amendment No. 5 were sent to Mayor and Council with a favorable recommendation. At the October 12 2016 Planning Commission Meeting, Staff presented this information and the Planning Commission decided to bring the remaining one item back on December 7, 2016 for another Public Hearing.

Below is the remaining item from the 2016 UDC correctional text amendments. This change reflects an omission and oversight in the transfer of LUC provisions into the UDC. The text issues were found while staff or customers were using the UDC to obtain zoning information.

1. Clarify Extension of Time Procedure for Rezoning

In the LUC, a new public hearing is required on any request that would extend the time more than five (5) years from the date of the last public hearing. In the UDC, the Mayor and Council shall consider the time extension request after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case. The UDC is not clearly consistent with how Time Extensions are required for Rezoning.

At the August 17, 2016 study session, the Planning Commission suggested staff review how Pima County worded its zoning code related to rezoning time extensions and determine if it could apply to this UDC text amendment. Staff has reviewed the Pima County text and made a slight revision to the proposed text amendment to add clarity.

Staff, however, was not able to revise the language “last public hearing” to date of authorization due to the difference between how rezoning time extensions are handled in Pima County and in the City of Tucson. In the City code, unlike Pima County, we have different time lines for normal rezoning cases (5 years) and for ones with zoning violations (recommended 1 year, but varies). This creates the requirement of either a public hearing or public meeting, which is absent in the County. Additionally, we sometimes require public hearings related to other items (e.g. a major change of conditions) that may occur prior to the 5 years from initial authorization. The way the code is currently written, this would push the requirement for a Public Hearing beyond that 5 years from authorization date. Changing the language from “last public hearing” to “authorization date” would impact the time extension policy as a whole, more than just a clarification.

Attachment

- A – Proposed UDC Corrections Text Amendment
- B – Code from Pima County Regarding Time Extensions
- C – Rezoning Timeline Exhibit